

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DANIEL ABBOTT,)	ED100773
)	
Appellant,)	Appeal from the Circuit Court
)	of St. Louis County
v.)	11SL-CC03452
)	
DeMARCO BOLTON,)	Honorable Thomas J. Prebil
)	
Respondent.)	Filed: August 2, 2016

Daniel Abbott (Abbott) appeals from the judgment of the trial court granting summary judgment in favor of DeMarco Bolton (Bolton) in Abbott's personal-injury case, in which he asserted injuries stemming from his co-employee's negligence.

REVERSED AND REMANDED.

Division Three Holds: The trial court erred in granting summary judgment in favor of Bolton, because Bolton owed Abbott an independent duty of care, separate from their employer's non-delegable duty to provide a safe workplace. See Peters v. Wady Indus., Inc., --- S.W.3d ---, 2016 WL 3180586 (Mo. banc June 7, 2016); Parr v. Breeden, --- S.W.3d ---, 2016 WL 3180249 (Mo. banc June 7, 2016).

Opinion by: Gary M. Gaertner, Jr., J.

Kurt S. Odenwald, P.J., and Robert G. Dowd, Jr., J., concur.

Attorneys for Appellant: Kevin J. Dolley, Laura J. Spencer, and James C. Keaney

Attorneys for Respondent: Cynthia L. Hoemann

<p>THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.</p>
